

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 3:14CV596 (MOC-DSC)

MICHAEL RICH,

Plaintiff,

vs.

THE ESTATE OF ROBERT BROWN,  
through its administrator, KEVIN BROWN,

Defendant.

**AMENDED ORDER**

**THIS MATTER** is before the Court on the Joint Stipulation of Dismissal and Joint Motion to Disburse Funds (#32) and a Joint Motion for Disbursement of Funds (#33). The court has considered the joint Motion for Disbursement of Funds first and then considered the joint Stipulation of Dismissal as being filed only after the first motion is resolved.

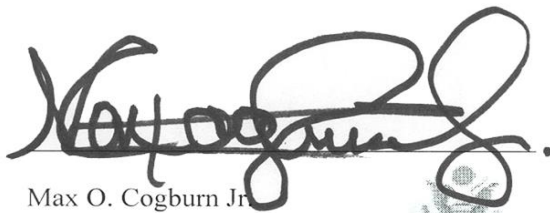
After filing the first proposed Order, the court was alerted by the Clerk of Court that the proposed Order did not reflect interest earned (less fees) during the period of interpleader. Upon consultation with counsel for the parties, they have agreed that under the terms of the settlement agreement the court should disburse funds *pro rata*, to wit, in proportion to the percentage they agreed to divide the original amount. Based on such method, the court has determined that of the **\$122,347.62** that is available for distribution, the Estate is to receive **12.4%** of such sum (**\$15,167.78**) while Michael Rich is to receive **87.6%** of such sum (**\$107,179.84**). The court finds this to be a fair and equitable distribution of the additional sums which conforms to the agreement of the parties. Upon consideration of such motions, the court enters the following Order.

## ORDER

**IT IS, THEREFFORE, ORDERED** that the joint Motion to Disburse Funds (#33) and contained in (#32) is **GRANTED**, and the Clerk of Court shall issue from funds interpleaded and deposited with the court:

- (1) a check in the amount of fifteen thousand one hundred and sixty seven dollars and seventy eight cents (**\$15,167.78**) payable to **The Estate of Robert Brown**, mailed to such defendant's attorney Ted. F. Mitchell;
- (2) a check in the amount of one-hundred seven thousand one-hundred and seventy nine dollars and eighty four cents (**\$107,179.84**) payable to the **Trust Account of DeVore, Acton & Stafford, P.A. for the benefit of Michael Rich,**" and mailed to such plaintiff's attorney Derek P. Adler.

**IT IS FURTHER ORDERED** that the joint Stipulation of Dismissal (#32), which the court deems to be a joint Motion for Dismissal based upon the stipulation of the parties under Rule 41, is **GRANTED** and this action is **DISMISSED** with prejudice pursuant to the terms stated in the joint Stipulation of Dismissal, which is incorporated by reference.



Max O. Cogburn Jr.  
United States District Judge